

**BARBERING & COSMETOLOGY EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
JUNE 5, 2000**

PRESENT: Leon Lauer, Marvile Martin, Bruce Bennett, Lorraine Norem, and Denise Svetly

EXCUSED: Barbara Flaherty, Karen Krause, and Danny Trotter

STAFF PRESENT: Alfred Hall, Jr., John Schweitzer, Jan Neitzel, Darwin Tichenor; Members of Division of Enforcement Staff were present for portions of the meeting.

GUESTS: Numerous Guests

CALL TO ORDER

The meeting was called to order at 9:45 a.m. by Marvile Martin, Vice-Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

AGENDA

Several items were added to the agenda.

1. Under item 10, examination issues: a. presentation of draft survey document and plans. b. task analysis survey for BC manager examination.
2. Under item 15c: a stipulation for Gale A. Johnson (Milwaukee, WI)

MOTION: Lorraine Norem moved, seconded by Denise Svetly to approve the agenda as amended. Motion carried unanimously.

MINUTES (4/3/00)

Two motions were added to the April 3, 2000, minutes.

1. **MOTION:** Karen Krause moved, seconded by Bruce Bennett, to remove the word "theory" as it relates to structured visits outside of the classroom. Motion carried unanimously.
2. **MOTION:** Denise Svetly moved, seconded by Marvile Martin, to remove "barber/cosmetology establishment" from the electives available for electrologists in s. 5.05 (viii), Stats. Motion carried unanimously.

MOTION: Bruce Bennett moved, seconded by Leon Lauer, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cumming's Report.

- Advisory Committee Update

Nothing to report.

- Board Member Workshop July 13-14, 2000

Secretary Cummings reported that the Board Member Workshop will be held July 13-14, 2000, at the Howard Johnson's close to the University of Wisconsin-Madison Campus. All board members are invited.

Alfred Hall, Bureau Director

- January 2000 Roster/2000 Meeting Dates

The Board noted that the screening panel members are Leon Lauer and Lorraine Norem.

The Board received a copy of the 2000 meeting dates. Noted.

- Regulatory Digest

The Board received a copy of the document, entitled: "Frequently asked questions about establishments." Noted.

The Board received a copy of the document, entitled "Latex Allergy A Prevention Guide." Noted.

Alfred Hall will have articles in the next Regulatory Digest on latex allergies, frequently asked questions relating to establishments, supervision, and the three levels of disinfection.

The Board agreed that the intent in BC 3.04 (1), is that a person can change booths within the same establishment without a new license.

The Board requested that s. 440.11 and 454.01 (10), Stats., and BC 3.04 (1), Wis. Admin. Code, relating to address change and changing booths in the same establishment, be added to the next agenda for clarification.

- To-Pass Folder

The To-Pass Folder was circulated and duly noted.

LEGISLATIVE UPDATE

Status of LRB 0803/1 - Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses

Alfred Hall reported that rule draft LRB 0803/1, relating to the education requirements for the barber/cosmetology profession, did not pass the legislative session and will need to be resubmitted.

Status of LRB 3269/2 – Relating to Eligibility Requirements for Licenses Granted by the Barbering and Cosmetology Examining Board and Disciplinary Action Taken By the Board

Alfred Hall reported the rule draft of LRB 3269/2, relating to eligibility requirements, did not pass the Legislature and will need to be resubmitted.

ADMINISTRATIVE RULES

Proposed Rules Re: Change to Credit Salon Visits as Theory Hours

- Clearinghouse Report To Agency 00-019

John Schweitzer, Legal Counsel, stated that the proposed rule to credit salon visits as theory hours will be sent to the legislature.

The Board discussed the removal of electives from “holding classes except for structured salon visits and instruction for individual student needs or industry trends and electives.”

MOTION: Bruce Bennett moved, seconded by Denise Svetly, to request that Secretary Cummings remove “and electives” from the proposed rule change relating to crediting hours for salon visits. Motion carried unanimously.

Proposed Rules Re: Revising Section RL 62.11 (1) (I) Related to Permitting Structured Establishment Visits

At the August 7, 2000, meeting the Board will discuss revising RL 62.11 (1)(I), related to permitting structured establishment visits.

Small Business Review Advisory Committee Question

John Schweitzer stated that Small Business Advisory Committee reviews all administrative rules for their impact on small businesses.

The Board agreed that the externship for barber/cosmetologists should not affect small businesses.

Clarification of Intermediate and Low Level Disinfection

- Chapter BC 4; Sanitation and Safety, Barbering and Cosmetology

The Board received a copy of the July 2 and July 29, 1998, memos from Jeannie Druckenmiller, Bureau of Public Health. Noted.

Alfred Hall stated that the next Regulatory Digest will contain resource information on disinfection products. Mr. Hall also stated that the information will be forwarded to the barber/cosmetology schools.

Alfred Hall stated that clarification on disinfection in the rules will be added to the agenda for the Barber/Cosmetology Scope of Practice Advisory Committee meeting.

Alfred Hall will ask Jeannie Druckenmiller to be available at the August 7, 2000, board meeting.

BOARD MEMBER ACTIVITY

Strategic Plan Follow-up-Planning for the Future

Alfred Hall reported that no information has been received from Scott Dicks, Cap Gemini, relating to the strategic planning.

The Board will discuss continuing education at future board meetings.

The Board will discuss the curriculum for establishment support personnel at a future board meeting.

Bruce Bennett stated that the National-Interstate Council of State Boards of Cosmetology, Inc. Summary reported that 23 states are using a universal test. Mr. Bennett would like more information on this test for possible use in Wisconsin.

Alfred Hall will contact the Office of Exams to research the universal test. The universal test issue will be added to a future agenda.

Scope of Practice for Manicurists, Aestheticians and Electrologists Advisory Committee Update

Nothing to report.

Internship Summary

Nothing to report.

PRACTICE ISSUES

Use of Expired Antiseptics by Practitioners

Lorraine Norem stated that upon checking with practitioners, very few products have expiration dates because the products are used quickly.

Mr. Hall will have an article in the next Regulatory Digest discussing the use of expired antiseptics.

Establishment Support Personnel

Alfred Hall reported that Senator Ladwig has not taken a position on support personnel and will re-visit this subject in the next legislative session.

Discussion of Mobile Establishment Guidelines

The Board re-stated their position that mobile establishments can be used and are subject to the same regulations as non-mobile establishments. The Board requested that this item be removed from future agendas.

APPRENTICESHIP PROGRAM

Ken Moore, DWD, reported that the barber/cosmetology apprenticeship program is ranked fifth in Wisconsin. There are 707 apprentices of which 537 are females and have the largest number of minorities.

EXAMINATION ISSUES

Ron Rogers, Continental Testing Services (CTS), Discussed the "Summary of 1996 Wisconsin Sample & Responses" and the "2000 Wisconsin Barber/Cosmetology Practices Survey."

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to proceed with the June 2000 Wisconsin Barber/Cosmetology Practices Survey. Motion carried unanimously.

Darwin Tichenor stated that the barber/cosmetology manager survey will be done first.

Mr. Tichenor explained that the manager examination will be evaluated for possible elimination of the manager's license. A committee comprised of volunteers will be needed.

MOTION: Lorraine Norem moved, seconded by Denise Svetly, to approve the task analysis of the barber/cosmetology manager examination. Motion carried unanimously.

DIVISION OF ENFORCEMENT

Nothing to report.

LEGAL COUNSEL REVIEW OF PHONE INQUIRIES

None.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Alfred Hall stated that he attended an Aerial meeting in May of 2000 and received positive feedback from the practitioners on two items. 1. The fact that the Board listens to practitioners and, 2. The accomplishments of the Board.

Alfred Hall stated that the IRS coordinator who handles the interpretation of tipping in the barber/cosmetology industry would be available to speak at a board meeting.

NEW BUSINESS

The Board discussed membership on the National-Interstate Council of State Boards of Cosmetology, Inc..

RECESS TO CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Lorraine Norem, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Leon Lauer-yes; Marvile Martin-yes; Lorraine Norem-yes; and Denise Svetly-yes.

Open Session recessed at 12:20 p.m.

CLOSED SESSION

The Board received a copy of the June 2000 case status report.

The Board deliberated on case closings and stipulations.

ADJOURN CLOSED SESSION

MOTION: Lorraine Norem moved, seconded by Bruce Bennett, to reconvene in Open Session at 1:04 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSURE

MOTION: Lorraine Norem moved, seconded by Denise Svetly, to close the following cases for reasons indicated as presented by the Division of Enforcement. Motion carried unanimously.

00 BAC 004	Insufficient evidence
99 BAC 074	Insufficient evidence
99 BAC 073	Insufficient evidence
00 BAC 014	Insufficient evidence
00 BAC 014	Insufficient evidence
00 BAC 020	P1
00 BAC 020	P1
99 BAC 008	No violation
99 BAC 008	No violation
99 BAC 008	No violation
00 BAC 009	No violation
00 BAC 009	No violation
00 BAC 009	No violation

STIPULATIONS

MOTION: Lorraine Norem moved, seconded by Leon Lauer, to accept the Stipulations, Findings of Fact, Conclusions of Law and Orders in the matters involving the following stipulations. Motion carried unanimously.

Amy L. Cheke (Cudahy, WI)

Kelly J. Dix (Brillion, WI)

Daniel G. Nachtigal, D/B/A Dan & Company Hair Designs (Monona, WI)

Anthony Oliver Poorman (Milwaukee, WI)

Kham Thammalangsy, D/B/A Nails for You (Milwaukee, WI)

Priscilla M. Thompson (Wautoma, WI)

Phuc Viet Tran, D/B/A K Nails (Monona, WI)

Johnson, Gale A. (Milwaukee, WI)

ADJOURNMENT

MOTION: Bruce Bennett moved, seconded by Denise Svetly, to adjourn the meeting at 1:07 p.m. Motion carried unanimously.